

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Prompt Apparel LA, Inc.,

Plaintiff,

-against-

Chic Home Design LLC et al.,

Defendants.

**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC #:** \_\_\_\_\_  
**DATE FILED:** 5/23/2024

1:24-cv-00279 (SDA)

**ORDER**

**STEWART D. AARON, United States Magistrate Judge:**

Following a telephone conference with the parties, and for the reasons stated on the record, it is hereby Ordered that Defendants' Letter Motion for discovery (ECF No. 37) and Plaintiff's Letter Motion to compel (ECF No. 39) are GRANTED IN PART and DENIED IN PART as follows:

1. Based on the representation of Plaintiff's counsel that Plaintiff has identified the three Plaintiff witnesses with knowledge of information relevant to the subject matter of the action and Plaintiff's counsel's statement regarding the location of relevant documents, Plaintiff is not required to further respond to Defendants' interrogatories.
2. As soon as practicable, but no later than June 7, 2024, Plaintiff shall produce to Defendants email communications relating to the business transactions and warehousing agreement between Plaintiff and Defendants that are referenced in the Complaint in this action for the period January 1, 2023 through January 12, 2024, the date this action was filed, to the extent such email communications have not already been produced. Plaintiff is not required to produce additional documents regarding damages, given Plaintiff's counsel's representation that Plaintiff is not seeking to

recover the damages set forth in Plaintiff's January 22, 2024 letter. (See 1/22/24 Letter, ECF No. 37-1.)

3. Defendants' request for sanctions is denied. The Court, in its discretion, finds that Plaintiff's conduct was substantially justified and that an award of sanctions would be unjust.
4. No later than May 29, 2024, Plaintiff shall file a letter indicating whether it seeks to have Defendants respond to the interrogatories attached to ECF No. 39 in lieu of taking any depositions of Defendants.

**SO ORDERED.**

Dated: New York, New York  
May 23, 2024



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STEWART D. AARON  
United States Magistrate Judge